

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
MICHAEL LAMAR

Plaintiff(s)

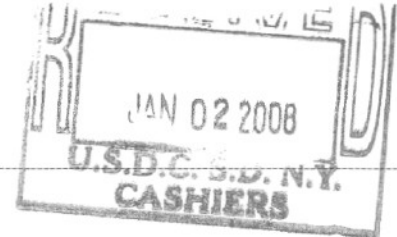
- against -

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING ,LTD and MARK S. WOLIN

Defendant(s)

JUDGE LEISURE  
08 CV 005

NOTICE OF REMOVAL



MARK S. WOLIN , defendant in the above captioned action which was commenced in the Supreme Court of the State of New York for the County of Bronx , gives notice that he is removing this action from the Supreme Court of the State of New York , County of Bronx, to this Court pursuant to USC Section 1441. The grounds for removal are as follows:

1. A civil action was commenced and is now pending against the defendant in the Supreme Court of the State of New York , County of Bronx , which action is entitled: MICHAEL LAMAR V. BOBBO SIEGEL , ANTOIN HANA , VW CREDIT LEASING , LTD. And MARK S.WOLIN.

2. On or about September 15, 2007 the defendant Wolin was served with a summons and complaint , a copy of which is attached herein as Exhibit A. On or about October 30 , 2007 , defendant Mark S. Wolin served an answer to the complaint. ( See Exhibit B). On December 5, the defendants were served with a Response to Demand Pursuant To CPLR Section 3017 (c ) indicating the amount in controversy is FIVE MILLION (\$5,000,000.00) DOLLARS , a copy of which is attached as Exhibit C.

3. The above-captioned action is a civil action of which this Court has original jurisdiction under 28 USC Section 1332 and is one which may be removed to this Court by the defendant under 28 USC 1332 and 1441 in that :

a) Plaintiff is noted to be listed on the summons as a citizen of the State of New York residing at 1118 Intervale Avenue , Bronx , New York 10459.

b) Defendant Mark S. Wolin is a citizen of New Jersey and resides at 46 Clair Street , Bloomfield, New Jersey 07003-4137.

c) Defendant Bobbi Siegel is a citizen of New Jersey and resides at 2100 Linwood Avenue , Apt 6T, Fort Lee , New Jersey 07024.

d) Defendant Antoin Hana is a citizen of New Jersey and resides at 297 Kinderamock Road , Apt C , River Edge New Jersey 07661-1881.

e) Defendant VW Credit Leasing , Ltd is a corporation incorporated in the State of Delaware with principal place of business locate dat 1401 Franklin Boulevard , Libertyville , Illinois 60048.

f) The incident claimed to have caused injury to the plaintiff is alleged in the complaint to have occurred in the City and State of New York in the County of Bronx. ( See paragraph 11, Exhibit A).

g) The amount in controversy herein exceeds Seventy-Five Thousand (\$75,000.000 Dollars exclusive of interest and costs . (See Exhibit C).

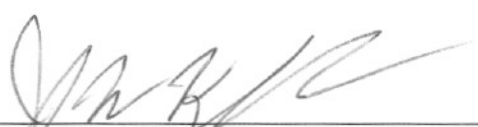
4. Accordingly, as the parties are of diverse citizenship and the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars exclusive of interest and costs, federal jurisdiction is appropriate pursuant to 28 USC Section 1332.

5. All defendants have consented to removal of the the action to this Court. (See Exhibits D and E)

WHEREFORE, the defendants give notice that the above action now pending against them in the Supreme Court of the State of New York, County of Bronx , is reomoved to this Court.

DATED: Westbury, New York  
December 28, 2007

Yours, etc.



---

John W. Kondulis, Esq.  
JAMES G. BILELLO & ASSOCIATES  
Attorneys for Defendant  
Mark S. Wolin  
875 Merrick Avenue  
Westbury, New York 11590  
(516) 229-4312  
Our File Number: 07K1360

Claim Number: 0289826110101029 (J089)

TO:

Belovin & Franzblau, LLP  
Attorneys for Plaintiff Lamar  
2311 White Plains Road  
Bronx, NY 10467  
718-655-2900

Morgan, Melhuish, Monaghan, Arvidson  
Attorneys for Co-Defendant(s) Siegel  
39 Broadway, 35th Floor  
New York, NY 10006  
212 809-1111

O'Connor McGuinness Conte Doyle Oleson  
Attorneys for Co-Defendant(s) Hana and VW Credit  
One Barker Avenue  
Suite 675  
White Plains, NY 10601  
914-948-4500



**EXHIBIT "A"**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MICHAEL LAMAR,

Plaintiff(s),

- against -

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING, LTD. and MARK S. WOLIN,

-----X  
Defendant(s).

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the date of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, New York  
August 13, 2007

Yours, etc.,

Alexander C. Aviles  
Alexander C. Aviles, Esq.  
BELOVIN & FRANZBLAU, LLP  
Attorneys for Plaintiff(s)  
Office & P. O. Address  
2311 White Plains Road  
Bronx, New York 10467-8106  
(718) 655-2900

Defendants' Address:

Robbi Siegel  
2100 Linwood Avenue, Apt. 6T  
Ft. Lee, NJ 07024  
Antoin Hana  
297 Kinderkamock Road, Apt. C  
River Edge, NJ 07661-1881  
VW Credit Leasing, Ltd.  
1401 Franklin Blvd.  
Libertyville, IL 60048  
Mark S. Wolin  
46 Clair Street  
Bloomfield, NJ 07003

Index No: 18635/07  
(8/16)  
Plaintiffs designate  
Bronx County  
the place of trial

The basis of venue is  
plaintiff's residence

SUMMONS

Plaintiff resides at:  
1118 Intervale Avenue  
Bronx, New York 10459



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MICHAEL LAMAR,

VERIFIED COMPLAINT

Plaintiff(s),

Index No:

-against-

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING, LTD. and MARK S. WOLIN,

Defendant(s).  
-----X

Plaintiff, by and through his attorneys, BELOVIN & FRANZBLAU,  
as and for a Verified Complaint, respectfully alleges as follows:

*MC* 1. That at all the times herein mentioned, the plaintiff,  
was, and still is, a resident of the City and State of New York,  
County of Bronx.

*MC* 2. That at all the times herein mentioned, upon information  
and belief, the defendant, BOBBI SIEGEL, was and still is, a  
resident of the City of Ft. Lee, State of New Jersey, County of  
Bergen.

*MC* 3. That at all the times herein mentioned, upon information  
and belief, the defendant, ANTOIN HANA, was, and still is, a  
resident of the City of River Edge, State of New Jersey, County of  
Bergen.

11c 4. That at all the times herein mentioned, upon information and belief, the defendant, VW CREDIT LEASING, LTD., was, and still is, a foreign corporation, duly authorized to transact business in the State of New York.

A 5. That at all the times herein mentioned, upon information and belief, the defendant, MARK S. WOLIN, was, and still is, a resident of the City of Bloomfield, State of New Jersey, County of Essex.

AL 6. At all times herein mentioned, upon information and belief, the defendant, BOBBI SIEGEL, was the owner and operator of a certain motor vehicle, to wit: a 2005 Lexus bearing license plate number CC99VW of the State of New Jersey.

WV 7. At all times herein mentioned, upon information and belief, the defendant, VW CREDIT LEASING, LTD., was the owner of a certain motor vehicle, to wit: a 2004 Audi bearing license plate number RJA69B of the State of New Jersey.

WV 8. At all times herein mentioned, upon information and belief, the defendant, ANTOIN HANA, was the operator of the aforesaid 2004 Audi bearing license plate number RJA69B of the State of New Jersey and was operating same with the permission and consent of the owner, defendant, VW CREDIT LEASING, LTD.



A 9. At all times herein mentioned, upon information and belief, the defendant, **MARK S. WOLIN**, was the owner and operator of a certain motor vehicle, to wit: 2004 Buick bearing license plate number KNC52S of the State of New Jersey.

10. At all times herein mentioned, upon information and belief, the plaintiff, **MICHAEL LAMAR**, was the owner and operator of a certain motor vehicle, to wit: a 1995 Nissan bearing license plate number DCF6234 of the State of New York.

11. At all the times herein mentioned, the George Washington Bridge, New York side on the lower Cross Bronx Expressway, in the City and State of New York, County of Bronx, New York, was, and still is, a public thoroughfare, intended for the use of motor vehicles and others.

12. On or about the 5th day of September, 2006, at the aforesaid location, the aforesaid vehicles were caused to collide as a result of the negligence of the defendants causing plaintiff, **MICHAEL LAMAR**, to sustain severe, serious and permanent personal injuries.

13. That the negligence of the defendants consisted among other things in owning, operating and controlling their motor vehicles in a reckless and careless manner and in such a manner as to cause the accident herein; in operating the vehicles with defective brakes, or if same were not defective, in failing and

omitting to apply brakes in time to avoid the happening of this accident; in failing and omitting to obey and abide by the rules, regulations, statutes, laws and ordinances applicable hereto and in that the defendants were otherwise reckless, careless and negligent so that solely and wholly as a result of their negligence, the accident was caused to and did occur and plaintiff sustained the injuries hereinafter described and set forth.

14. That the plaintiff, **MICHAEL LAMAR**, sustained a serious injury as defined in the Insurance Law and/or suffered economic loss greater than basic economic loss as defined in the Insurance Law of the State of New York.

15. That by reason of the foregoing, the plaintiff, **MICHAEL LAMAR**, sustained severe, serious and permanent physical, mental and emotional injuries and upon information and belief, all said injuries are permanent in nature; and upon information and belief, will in the future be confined to bed and home; has been, is and, upon information and belief, will in the future be unable to attend to usual duties and routine; has been, is and, upon information and belief, will in the future be sick, sore, lame and disabled and was otherwise damaged.

16. That the plaintiff hereby pleads the exceptions to the limitations on the liability of jointly liable parties set forth in CPLR 1602 subsection 1-11 including, but not limited to, the fact

that the defendants herein acted knowingly, intentionally and with reckless disregard to the safety of others.

17. By reason of the foregoing, the plaintiff, **MICHAEL LAMAR**, has been damaged in a sum exceeding the jurisdictional limits of all lower Courts.

**WHEREFORE**, plaintiffs demand judgment against the defendants jointly and severally in a sum exceeding the jurisdictional limits of all lower Courts, together with such other and further relief as this Court may seem just and proper.

Dated: Bronx, New York  
August 13, 2007

Yours, etc.,

Alexander C. Aviles  
Alexander C. Aviles, Esq.  
**BELOVIN & FRANZBLAU**  
Attorneys for Plaintiff(s)  
Office & P. O. Address  
2311 White Plains Road  
Bronx, New York 10467-8106  
(718) 655-2900



Index # 18635/07  
Plaintiff(s) Docket Number: 499544

BOBBI SIEGEL ET AL

Defendant(s) \_\_\_\_\_ Notice Pursuant  
to Section 253  
of the Vehicle  
& Traffic Law  
of the State of New York

Please take notice that a copy of the within summons and complaint along with the statutory fee of \$10 was served upon the Secretary of State of New York pursuant to Section 253 of the Vehicle and Traffic Law on August 22, 2007 at the office of the Secretary of State 123 William Street, New York, New York 10038.

Dated August 27, 2007  
New York, New York

BELOVIN & FRANZBLAU  
2311 WHITE PLAINS ROAD  
BRONX, NY 10467 8106  
Tel: 718-655-2000

028 982 6110101 029 J089

A7R1003



**EXHIBIT "B"**



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

MICHAEL LAMAR,

Plaintiff(s)

- against -

BOBBI SIEGEL, ANTOIN HANA, VW  
CREDIT LEASING, LTD. and MARK S.  
WOLIN,

Defendant(s)

**VERIFIED ANSWER  
WITH  
CROSS CLAIM**

Index #: 18635/07

Defendant(s) Mark S. Wolin, by the undersigned answering the VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

**ANSWERING A FIRST CAUSE OF ACTION**

FIRST: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: 1, 2, 3, 4, 6, 7, 8, 10, 11, 16

SECOND: Denies each and every allegation contained in paragraphs numbered and designated as: 12, 13, 14, 15, 17

THIRD: Admits each and every allegation contained in paragraphs numbered and designated as: 5, 9

**AS AND FOR AN AFFIRMATIVE DEFENSE – COMPARATIVE NEGLIGENCE**

The personal injuries and/or property damage alleged to have been sustained by the plaintiff(s) were caused entirely or in part through the culpable conduct attributable to the plaintiff(s) and the defendant seeks a dismissal or reduction in any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

**AS AND FOR AN AFFIRMATIVE DEFENSE – SEAT BELT**

The plaintiff(s) damages must be mitigated by the plaintiff(s) failure to use the available seat belts or infant restraining devices and that the damages claimed to have been sustained were caused by the lack of use of said seat belts and/or infant restraining devices.

**AS AND FOR AN AFFIRMATIVE DEFENSE – COLLATERAL SOURCE**

The costs incurred, or paid by plaintiff(s), if any, for medical care, dental care, custodial care or rehabilitation services, loss of earning or other economic loss, in the past or future, were or will, with reasonable certainty be replaced or indemnified, in whole or in part, from a collateral source of

the type described in CPLR §4545 and defendant is entitled to have any award reduced in the amount of such payments.

AS AND FOR A CROSS CLAIM AGAINST THE CO-DEFENDANT(S)  
Antoin Hana Bobbi Siegel VW Credit Leasing, Ltd , IT IS ALLEGED:

That if the plaintiff(s) Michael Lamar, recover herein, it will be by virtue of the recklessness, carelessness and negligence of the co-defendant(s), Antoin Hana, Bobbi Siegel VW and Credit Leasing, Ltd ,, above named, and not of the defendant(s) Mark S. Wolin, and that this answering defendant(s) Mark S. Wolin, demands judgment for contribution and/or indemnification in whole or in part and that the respective degrees of negligence of the co-defendant(s) Antoin Hana, Bobbi Siegel and VW Credit Leasing, Ltd ,, be ascertained, determined and adjudicated and that the defendant(s) Mark S. Wolin, have judgment over and against the above-named co-defendant(s) Antoin Hana, Bobbi Siegel and VW Credit Leasing, Ltd ,, as their proportionate share commensurate with their respective degrees of negligence as will be decided on at the trial herein.

WHEREFORE, the defendant(s) Mark S. Wolin, demands judgment dismissing the plaintiff(s) Michael Lamar, Complaint or in the alternative, that this answering defendant(s) Mark S. Wolin, have judgment for contribution and/or indemnification in whole or in part over and against the co-defendant(s) Antoin Hana, Bobbi Siegel and VW Credit Leasing, Ltd ,, above named, to the degree and proportionate share of the plaintiff(s), Michael Lamar recovery as to their respective degrees of negligence as determined herein, with costs and disbursements of this action.

DATED: Westbury, New York  
October 30, 2007

Chris Katechis, Esq.  
KAY & GRAY  
Attorneys for Defendant(s)  
Mark S. Wolin  
875 Merrick Avenue  
Westbury, New York 11590  
(516) 229-4428  
Our File No: 07R1003  
Claim No: 028982611-0101-029 (J089)

VERIFICATION

Chris Katechis, Esq., an attorney admitted to practice in the Courts of this State, and associated with the firm of KAY & GRAY, attorneys for the defendant(s) Mark S. Wolin, states:

That your affirmant has read the foregoing Answer and knows the contents thereof; that the same is true to your affirmant's own knowledge except as to the matters which are stated therein to be alleged on information and belief, and as to those matters your affirmant believes it to be true. The source of your affirmant's information and belief, is an investigation caused to be made with respect to the facts in this action.

That the reason this verification is made by affirmant and not by the defendant is because the defendant does not reside within the county where KAY & GRAY maintain their office.

The undersigned affirms that the foregoing statement is true, under penalties of perjury.

Date: Westbury, New York  
October 30, 2007

  
\_\_\_\_\_  
Chris Katechis, Esq.



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

MICHAEL LAMAR,

Plaintiff(s)

- against -

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING, LTD. and MARK S. WOLIN,

Defendant(s)

VERIFIED ANSWER WITH  
CROSS CLAIM  
AND  
DEMANDS

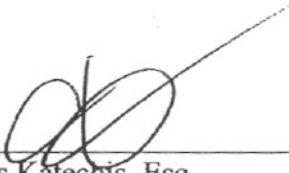
Index No: 18635/07

**CERTIFICATION PURSUANT TO SECTION 130-1.1a  
OF THE RULES OF THE CHIEF ADMINISTRATOR (22NYCRR)**

The undersigned certifies the following documents pursuant to 22NYCRR Section 130-1.1a:

Verified Answer With Cross Claim and Demands, and Demand For a Verified Bill of Particulars, Combined Demand for Discovery and Inspection, Notice to Take Deposition Upon Oral Examination, Refusal to Accept Service by Facsimile Transmission and Notice to Submit to Physical Examination.

DATED: Westbury, New York  
October 30, 2007

  
Chris Katechis, Esq.  
KAY & GRAY  
Attorneys for Defendant(s)  
Mark S. Wolin  
875 Merrick Avenue  
Westbury, New York 11590  
(516) 229-4428  
Our File No: 07R1003  
Claim No: 028982611-0101-029 (J089)

Belovin & Franzblau, LLP  
Attorneys for Plaintiff(s)  
2311 White Plains Road  
Bronx, NY 10467  
(718) 655-2000

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK) SS.:  
COUNTY OF NASSAU )

Joyce Kouroumouis, being duly sworn, deposes and says that she is not a party to this action and is employed by the attorneys for the within named defendant(s) herein. That on the 30<sup>th</sup> day of Oct, 2007, she served the annexed VERIFIED ANSWER with CROSS CLAIM, and DEMAND FOR A VERIFIED BILL OF PARTICULARS, COMBINED DEMAND FOR DISCOVERY AND INSPECTION, NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION, REFUSAL TO ACCEPT SERVICE BY FACSIMILE TRANSMISSION AND NOTICE TO SUBMIT TO PHYSICAL EXAMINATION upon the following named attorney(s) and party(s) by depositing a true copy of the same securely enclosed in a post-paid wrapper in a Post Office Box regularly maintained by the United States Government at 875 Merrick Avenue, Westbury New York 11590, in said County of Nassau directed to said attorney(s):

TO:


Belovin & Franzblau, LLP  
Attorneys for Plaintiff(s)  
2311 White Plains Road  
Bronx, NY 10467  
(718) 655-2000

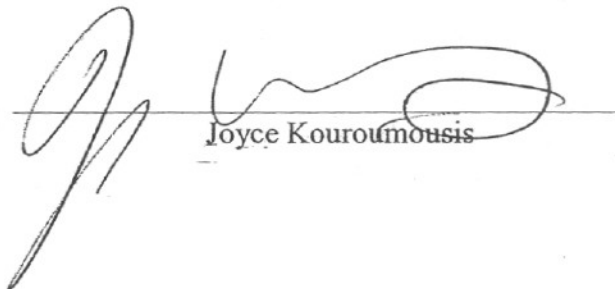
that being the address within the State designated by them for that purpose upon the preceding papers in this action, or the place where they then kept an office, between which places there then was and now is a regular communication by mail.

Deponent is over the age of eighteen (18) years.

Sworn to before me this

30<sup>th</sup> day of Oct, 2007

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Joyce Kouroumouis

WILLIAM GITTER  
Notary Public, State Of New York  
No. 02G14515350  
Qualified In Suffolk County  
Commission Expires March 30, 2011

WILLIAM GITTER  
Notary Public, State Of New York  
No. 02G14515350  
Qualified In Suffolk County  
Commission Expires March 30, 2011

**EXHIBIT "C"**



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
MICHAEL LAMAR,

Plaintiff(s),

-against-

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING, LTD. and MARK S. WOLIN,

- Defendant(s).  
-----X

RESPONSE TO DEMAND  
PURSUANT TO CPLR §  
3107(c)

Index No: 18635/07

Plaintiff, by and through his attorneys, BELOVIN &  
FRANZBLAU, LLP, as and for a Response to the Request for  
Supplemental Demand for Relief of the defendant, BOBBI SIEGEL,  
respectfully sets forth as follows:

Plaintiff demands the sum of FIVE MILLION (\$5,000,000.00)  
DOLLARS in damages from the defendants herein.

Dated: Bronx, New York  
December 5, 2007

Yours, etc.

57  
\_\_\_\_\_  
Mitchell Franzblau, Esq.  
BELOVIN & FRANZBLAU, LLP  
Attorneys for Plaintiff(s)  
2311 White Plains Road  
Bronx, New York 10467-8106  
(718) 655-2900

TO: MORGAN, MELHUISE, MONAGHAN  
Attorneys for Defendant(s)  
BOBBI SIEGEL  
39 Broadway  
New York, New York 10004  
(212) 809-1111

Index No. 18635/07

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX  
=====

MICHAEL LAMAR,

Plaintiff(s),

-against-

BOBBI SIEGEL, ANTOIN HANA, VW CREDIT  
LEASING, LTD. and MARK S. WOLIN,

Defendant(s).

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RESPONSE TO DEMAND PURSUANT TO CPLR § 3107(C)

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Belovin & Franzblau, L.L.P.  
Attorneys for Plaintiff(s)  
2311 White Plains Road  
Bronx, NY 10467  
718-655-2900

**EXHIBIT “D”**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

MICHAEL LAMAR

Plaintiff(s)

- against -


Index #: 18635/07

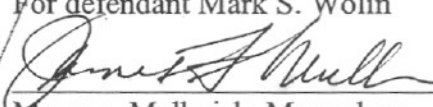
MARK S. WOLIN

Defendant(s)

It is hereby consented by the attorneys for the defendant Bobbi Siegel, Antoin Hana, and VW Credit Leasing, Ltd. and defendant Mark S. Wolin, that all consent to removal of the above-captioned action from the Supreme Court of the State of New York for the County of Bronx to the United States District Court for the Southern District of New York.

DATED: WESTBURY, NEWYORK  
DECEMBER 11,2007

  
James G.. Bilello & Associates  
Of Counsel to Kay and Gray  
For defendant Mark S. Wolin

  
Morgan, Melhuish, Monaghan  
Attorneys for Defendant Bobbi Siegel

O'Connor, McGuinness, Conte, Doyle,  
Oleson, Esqs.  
Attorneys for Antoin Hana and VW Credit  
Leasing, Ltd.

**EXHIBIT “E”**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

MICHAEL LAMAR

Plaintiff(s)

- against -

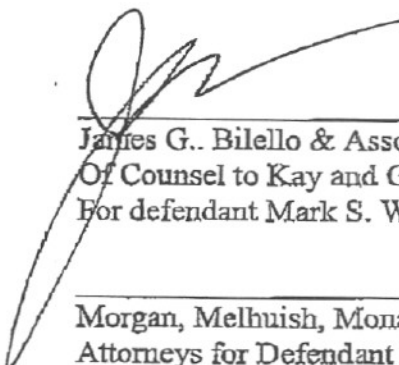
MARK S. WOLIN

Defendant(s)

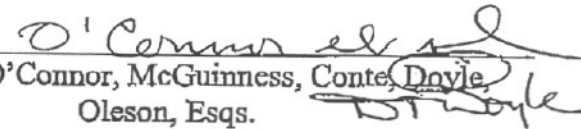
Index #: 18635/07

It is hereby consented by the attorneys for the defendant Bobbi Siegel, Antoin Hana, and VW Credit Leasing, Ltd. and defendant Mark S. Wolin, that all consent to removal of the above-captioned action from the Supreme Court of the State of New York for the County of Bronx to the United States District Court for the Southern District of New York.

DATED: WESTBURY, NEWYORK  
DECEMBER 11, 2007

  
James G. Bilello & Associates  
Of Counsel to Kay and Gray  
For defendant Mark S. Wolin

Morgan, Melhuish, Monaghan  
Attorneys for Defendant Bobbi Siegel

  
O'Connor, McGuinness, Conte, Doyle,  
Oleson, Esqs.  
Attorneys for Antoin Hana and VW Credit  
Leasing, Ltd.